

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,

Plaintiff,

v.

FRANCISCAN HEALTH SYSTEM
d/b/a CHI FRANCHISCAN HEALTH;
FRANCISCAN MEDICAL GROUP;
THE DOCTORS CLINIC, a professional
corporation; and WESTSOUND
ORTHPAEDICS, P.S.,

Defendants.

CASE NO. C17-5690 BHS

ORDER GRANTING UNOPPOSED
MOTION TO SEAL AND
RENEWING REQUEST FOR
ADDITIONAL BRIEFING ON
UNOPPOSED MOTION TO SEAL

This matter comes before the Court on review of the file.

On January 11, 2019, Plaintiff the State of Washington filed an unopposed motion to seal the unredacted version of its opposition to Defendants' motion for partial summary judgment and the supporting Declaration of Travis Kennedy and accompanying unredacted versions of Exhibits 3, 6–7, 12, 17–18, 20–21, 24–25, 27, 30–32, 45–49, 53, 61, 65, 71–73, and 77–78. Dkt. 208

On February 27, 2019, the State filed an unopposed motion to seal its proposed findings of fact and conclusions of law in its entirety until the parties reached agreement on a redacted version for public filing. Dkt. 254.

On March 12, 2019 the Court issued an order finding that neither motion met the requirement under the local rules to include a specific statement of the applicable legal standard and reasons for keeping a document under seal—the legitimate public or private

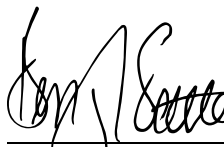
1 interests that warrant the relief sought, the injury that will result if the relief sought is not
2 granted, and why a less restrictive alternative to the relief sought is not sufficient. Local
3 Rules W.D. Wash. LCR 5(g)(3). The Court requested additional briefing from
4 Defendants as the designating party for both motions and renoted the motions for the
5 Court's March 25, 2019 calendar. Dkt. 271.

6 A "strong presumption of access to judicial records applies fully to dispositive
7 pleadings, including motions for summary judgment and related attachments." *Kamakana*
8 *v. City & Cty. of Honolulu*, 447 F.3d 1172, 1176 (9th Cir. 2006). "Thus, 'compelling
9 reasons' must be shown to seal judicial records attached to a dispositive motion." *Id.*
10 (citing *Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

11 The Court finds that because the parties have settled this case, the State's proposed
12 findings of fact and conclusions of law are no longer relevant. Therefore, the Court
13 **GRANTS** the State's unopposed motion to seal, Dkt. 254, in its entirety.

14 The Court notes that its direction to Defendants to provide additional briefing as to
15 the first motion, Dkt. 208, remains relevant as it addresses a dispositive pleading.
16 Therefore, the Court directs Defendants to submit additional briefing addressing the LCR
17 5(g)(3)(B) factors as to the State's unopposed motion to seal, Dkt. 208, by April 17,
18 2019.

19 Dated this 12th day of April, 2019.

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BENJAMIN H. SETTLE
United States District Judge